

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM M. GREGG, II,

Plaintiff,

V.

GI APPAREL, INC.,

Defendant.

Civ. No. 06-2367(GEB)

ORDER

BROWN, Chief District Judge

This matter comes before the Court upon the motion of Plaintiff William M. Gregg, II (“Gregg”) for default judgment against Defendant GI Apparel, Inc. (“GI”). [Docket # 49] On April 2, 2009, the Court ordered GI to show cause why Gregg’s motion should not be granted. At the Court’s request, on May 11, 2009, United States Magistrate Judge Bongiovanni held a hearing on this matter. GI failed to appear at that hearing. Subsequently, Judge Bongiovanni issued a report that recommends the Court grant Gregg’s motion and enter default judgment against GI for the following reasons: (1) Gregg’s claims against GI appear meritorious; (2) Gregg has been prejudiced by GI’s pattern of non-participation in this litigation; (3) it does not appear that other sanctions against GI would be effective. (TJB R&R at 4-5.) [# 53] GI has not objected to Judge Bongiovanni’s foregoing recommendation. Having reviewed the record in this case, the Court will adopt Judge Bongiovanni’s recommendation and enter default judgment against GI. As such,

IT IS THIS 16th day of June, 2009, hereby

ORDERED that Gregg's motion for default judgment against GI is GRANTED; [# 49]

ORDERED that Gregg is awarded actual damages of \$473,479.90;

ORDERED that Gregg is awarded incidental damages of \$249,761.58;

ORDERED that Gregg is awarded pre-judgment interest at the rate of \$108.98 per day
from October 3, 2002 going forward;

ORDERED that Gregg is awarded attorney's fees of \$388,642.68.

ORDERED that the Clerk of the Court CLOSE this case.

/s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.